

**Draft Summary of the Land Use, Land Management and Aesthetics Work Group Meeting  
Oroville Facilities Relicensing (FERC Project No. 2100)  
May 17, 2004**

The Department of Water Resources (DWR) hosted a meeting for the Land Use, Land Management and Aesthetics Work Group (LUWG) on May 17, 2004 in Oroville.

A summary of the discussion, decisions made, and action items is provided below. This summary is not intended to be a transcript, analysis of the meeting, or to indicate agreement or disagreement with any of the items summarized, except where expressly stated. The intent is to present a summary for interested parties who could not attend the meeting. The following are attachments to this summary:

Attachment 1	Meeting Agenda
Attachment 2	Meeting Attendees
Attachment 3	Flip Chart Notes
Attachment 4	Butte County PM&E 4A
Attachment 5	Butte County PM&E 4B
Attachment 6	Flip Chart Notes from Cross-Resource Meeting

### **Introduction**

Attendees were welcomed to the LUWG meeting. Attendees introduced themselves and their affiliations. The LUWG reviewed the desired outcomes of the meeting. The meeting agenda and list of meeting attendees are appended to this summary as Attachments 1 and 2, respectively. Meeting flip chart notes are included as Attachment 3.

### **Action Items – March 22, 2004 Land Use, Land Management and Aesthetics Work Group Meeting**

A summary of the March 22, 2004 LUWG meeting is posted on the relicensing web site. The Facilitator reviewed the status of action items from that meeting as follows:

- Action Item #LU100:** Send a copy of the draft interim SP-L1 report to Roger Calloway.  
Status: Mark Greenig (EDAW), the Consultant Team lead for the LUWG sent a copy of the draft interim SP-L1 report to Roger Calloway (DPR).
- Action Item #LU101:** Resolve potential upcoming meeting conflicts and report back to the Work Group.  
Status: There have been efforts to coordinate the work group and settlement meeting schedules. The settlement meeting schedule has been finalized and it tried to avoid conflicts with future work group meeting dates, as well as meetings associated with other regional relicensing projects. John Colburn (SWC) asked if the settlement meeting schedule would be posted on the Oroville relicensing web site. The Facilitator will check with DWR web site coordinator.
- Action Item #LU93:** Re-write LWG-20 into separate distinct resource action proposals. (Carry-over action item)  
Status: Rob MacKenzie (Butte County) provided an update on the status of this action item. The County split up resource action LWG-20 (numbered PM&E #4 by the County) into two separate proposals (numbered PM&E #4A and 4B). The former focuses on DFG funding for activities including law enforcement in the Oroville Wildlife Area (OWA), and the latter focuses on coordinated law enforcement efforts throughout the project area (note: the meeting agenda incorrectly labeled these two new resource actions).

PM&E #4A requests that DWR fund management activities in the OWA. Rob explained that there is a legal issue associated with this resource action (based on the Davis-Dolwig Act) in that wildlife *enhancement* activities cannot be charged to project operators (i.e., DWR), while the cost of wildlife *preservation* activities can be charged; it is the County's position that funding for the OWA would be for wildlife preservation, and thus, it is appropriate for DWR to be responsible for these costs. This resource action also calls for the formation of an OWA Task Force that covers the entire license term. The existing problems in the OWA and supporting arguments for this resource action were further discussed by the LUWG including: current understaffing at the OWA and resulting management void; ongoing illegal uses that are degrading the OWA; lack of funding, including the loss of a Department of Boating and Waterways grant for access improvements; the need for a DFG presence in the area; high use numbers (roughly 300,000 visitors per year based on the R9 study report); and conflicting regulations that apply to the OWA.

PM&E #4B addresses project-wide law enforcement issues. The objective of this resource action is to better manage law enforcement activities. The County has an interest in avoiding access closures when problems arise. Task force meetings would be held with all of the law enforcement providers serving the area, including but not limited to DPR, DFG, Butte County, and the CHP. A "lead" agency in charge of law enforcement activities in the Project area would be identified. The ultimate goal of this resource action is the development and implementation of response plans for the Project lands. The County suggested a review of local citations to identify the scope of illegal activities that occur in the Project area.

Overall, these new resource actions represent a blend of management and recreation-related proposals, and thus are still aggregated in the sense that numerous individual actions are included in each resource action. The LUWG agreed that participants should have the opportunity to review the new resource actions to determine what components are appropriate to move forward in the process. The resource action descriptions will be forwarded to the LUWG for review and will be cross checked against recreation-related resource actions by the RAMs; there will be a follow-up discussion on this issue at the next LUWG meeting in July. It was noted that these resource actions might be appropriate settlement discussion items. PM&E 4A and 4B are provided as attachments 4 and 5, respectively.

## **Study Implementation Update**

The Consultant Team provided an update on all five Land Use, Land Management and Aesthetics studies to the LUWG, including scheduling considerations for completing the reports. Final reports for SP-L3 and SP-L5 were distributed at the meeting. Final Reports for SP-L1, SP-L2, and possibly SP-L4 may be released to the LUWG in advance of the next meeting in July at which there will be the opportunity for discussion on all five study reports. At this point in the process, only factual comments will be considered in terms of revising the final reports, which will be handled through an errata sheet; however, the LUWG will be able to discuss and comment on the reports as needed. It was further noted that substantive comments on the final reports would be addressed in the PDEA. This process allows the information contained in the report to be utilized by the PDEA Team and for the purposes of settlement negotiation.

### **SP-L1 (Land Use) and SP-L2 (Land Management)**

The final reports for SP-L1 and SP-L2 are on a parallel track and are currently being reviewed by DWR. It is anticipated that these two final reports will be distributed to the LUWG in June in advance of the next LUWG meeting scheduled for July.

Leah Wills (Plumas County) mentioned the pending disposition of PG&E properties associated with PG&E's bankruptcy. The process was characterized as "fast-moving" with the Feather River watershed targeted to be handled first. It was noted by a participant that based on maps brought

to the meeting there appears that PG&E properties maybe within the FERC boundary for the Oroville Project. It was acknowledged that it may be too late to incorporate any inconsistencies between this mapping and the mapping included in the SP-L1 study report, but any such inconsistencies will be addressed in the PDEA.

### ***SP-L3 (Comprehensive Plan Consistency)***

The final report for SP-L3 was released to the LUWG, with copies available at the meeting to LUWG participants. The LUWG was asked to review the final report with an opportunity for discussion at the next LUWG meeting in July. The final report is nearly identical to the previous (interim) version that various agencies had the opportunity to review, with the exception of a review of the State Water Resources Control Board (SWRCB) water quality plan that was added to the final report since the interim report. Section 6.0 (Conclusions) of the L3 report will be used in the plan consistency evaluation in the PDEA. It was noted that once the project alternatives are developed these consistency evaluations may be sent to appropriate agencies for review by the agencies so that the agencies can agree with the way the consistency evaluations are depicted. Mark Greenig (EDAW) explained the process for identifying applicable plans for the L3 report, which is based on a standard, non-inclusive FERC list and applicable local plans. Plans are included only if they affect operations at Lake Oroville. Plans for physical development of facilities at non-Oroville facilities are not included.

### ***SP-L4 (Aesthetics)***

The draft final report for SP-L4 has been submitted to DWR for internal review. The goal is to finalize the report, distribute the final report to the LUWG in June, and discuss it at the next LUWG meeting scheduled for July.

### ***SP-L5 (Fuel Load Management)***

The final report for SP-L5 was released to the LUWG, with copies available to LUWG participants. The LUWG was asked to review the final report with an opportunity for discussion at the next LUWG meeting in July. The report has been modified slightly from the draft report already distributed to the LUWG to include comments provided by the California Department of Forestry and Fire Protection (CDF). The information provided in the report is also based on updated vegetation data collected by DWR. The report does not include any fire behavior information, which cannot be modeled without major assumptions, and there is no prioritization of community risk in the report. The development of a fuel load management plan may be considered in the settlement process; however, it was noted that there is insufficient time for a full plan to be developed. Jim Martin pointed out that the process for development of such a plan could be outlined and L5 could be used as a starting point in the development of a fuel load management plan. A representative from CDF explained that CDF has its own fire plan that is based on work with local fire safe councils.

### **Cross-Resource Task Force Meeting Update**

The Cultural Resource Work Group (CRWG) held their regularly scheduled meeting on April 20, 2004, which was immediately followed by a cross-resource task force meeting with representatives from the CRWG, LUWG, the Recreation and Socioeconomics Work Group, and the Environmental Work Group. All work groups have identified potential cross-resource impacts in their own work group setting. For example, the proposed BLM land transfer supported in the LUWG as a land management consolidation interest has implications for cultural resources since the CRWG has expressed interest in specific BLM parcels with cultural significance, such as the Stringtown Mountain area. There are also potential conflicts in the Foreman Creek area between the recreation interests (i.e., new recreation facilities) and cultural interests (i.e., closure of recreation access areas). The work groups also provided quality assurance and confirmed the mapping of proposed resource actions. The meeting was for information-sharing purposes only, and no decisions were made. Flip chart notes recorded at the meeting are provided as Attachment 6 to this summary.

## Other

The LUWG discussed water-skiing in the OWA and whether those activities are in conflict with OWA regulations. It was explained that water-skiing is in conflict with DFG code; however, according to Andy Atkinson (DFG), he is not aware of associated adverse environmental impacts based on field observation. Butte County noted that it would be difficult to take away an established recreation use in the area and suggested that the possibility of amending the regulations to allow for boating speeds greater than 5 mph should be explored.

The LUWG discussed the next steps related to resource actions and asked what happens to the actions such as the proposed fuel load management plan that were forwarded to the PDEA Team for further analysis. Will actions that were recommended by the work groups for 'further analysis' but not included in the initial offer of settlement be analyzed further? The Facilitator explained that the actions would be analyzed in the context of the development of project alternatives and that more than one alternative will be evaluated in the PDEA. The resource actions that were forwarded for further consideration basically represent a "toolbox" that will be used to construct these alternatives. It was noted that the settlement alternative that will be evaluated in the PDEA is a moving target and will need to be 'locked in place' for analysis very soon. All resource actions are being tracked through a master resource action matrix.

Rob MacKenzie (Butte County) inquired about the potential for long-term leases on DWR lands, such as a commercial (restaurant) facility at the Oroville Dam overflow parking lot, and wants the LUWG to facilitate this process if possible. It was noted that DWR is not interested in selling Project lands, but concessionaire proposals can be made to DPR (through the DPR General Plan process), who coordinates on these issues with DWR. DWR's contact for land and right-of-way issues is Jim Schindler and Jim Martin suggested that Rob direct all inquiries related to long-term concessionaire leases to him.

## Next Meeting and Next Steps

The LUWG agreed to cancel the June meeting and use the time for report review. The next LUWG meeting will be held on the following date/time:

Date: Monday, July 26, 2004  
Time: 6:00 PM to 10:00 PM  
Location: Oroville

The LUWG was asked to submit comments on SP-L3 and SP-L5 as soon as possible, and the study reports L1, L2, and L3 will be mailed out in advance of the July LUWG meeting.

## Action Items

The following list of action items identified by the LUWG includes a description of the action, the participant responsible for the action, and item status.

**Action Item #LU102:** Find out whether the settlement meeting schedule can be posted on the Oroville relicensing web site.

**Responsible:** Facilitator

**Due Date:** July 26, 2004

**Action Item #LU103:** Forward revised resource actions (County PM&Es #4A and 4B) to the LUWG for review and crosscheck against recreation-related resource

actions. A follow-up discussion will be held at the next LUWG meeting in July.

**Responsible:** Facilitator / DWR

**Due Date:** July 26, 2004